



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

October 12, 2017

Vanessa Davis
5420 NC Hwy 55
Durham, NC 27713

Notice of Warning
Re: Violation of Title N. C. General Statute § 19A-28

AWS-WL-2017-23

Dear Ms. Davis:

The Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") has noted that you are operating a doggie day care facility at 5420 NC Hwy 55 in Durham, NC. AWS Outreach Coordinator Joe Blomquist ("Coordinator Blomquist") contacted you and conducted a courtesy facility inspection on June 20, 2017. Coordinator Blomquist directed you to submit a boarding kennel application to AWS within 10 days. AWS has not received this application from you.

Based on the results of this investigation, AWS finds that you may be operating a boarding kennel without a license. Pursuant to N. C. General Statute §19A-28, no person shall operate a boarding kennel without a license. Pursuant to N. C. General Statute §19A-33 operation of a boarding kennel without a currently valid license shall constitute a Class 3 misdemeanor.

If the kennel believes the facility can meet the requirements for compliance with the N. C. Animal Welfare Act ("AWA") and the rules and regulations issued pursuant thereto, the kennel may submit an application for a license as a boarding kennel. The application can be found on the AWS website at <http://www.ncagr.gov/vet/aws/documents/SCANNEDApplicationFormShelters2016.pdf>.

Until such time that a valid AWS license has been issued for this boarding kennel, you are directed to immediately cease operations as a boarding kennel including dog daycare services.

Failure to abide by this directive shall be considered a willful disregard or violation of the N.C. AWA and the rules issued pursuant thereto. Under N. C. General Statute §19A-40, violation of the N.C. AWA and the rules issued pursuant thereto may result in the assessment of a civil penalty of up to \$5,000.00 per violation.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'PN', with a horizontal line drawn through it.

Patricia Norris, DVM, MS
Director, Animal Welfare Section
Veterinary Division, NCDA&CS

cc:

Dr. R. Douglas Meckes, DVM, State Veterinarian, NCDA&CS
Joseph Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher McLennan, Assistant Attorney General

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 9; 1987, c. 827, s. 65; 1989, c. 544, s. 18; 2011-145, s. 31.5(b).)

§ 19A-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense. (1977, 2nd Sess., c. 1217, s. 14; 1993, c. 539, s. 315; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)